

### REMARKS

Claims 1-9 and 11-12 are pending. Claims 1-9 and 11 are amended. Claim 10 is canceled. Claim 12 is new.

#### Claim Amendments

Claims 1, 3 and 4 have been amended to overcome §112 rejections applied by the Examiner. Claims 1-9 and 11 have been amended to improve clarity and to avoid potential antecedent basis problems. Claim 11 has been amended to depend from new claim 12 in view of the cancellation of claim 10. Claim 9 has been rewritten to depend from claim 1 for the purpose of improved clarity.

Claim 1 has been further amended to recite a rest position *in which a mid-plane of the first front hoop and a mid-plane of the first rear hoop are substantially orthogonal to a mid-plane of the pedal*. Support for this language is found in the specification at page 5, line 37 through page 6, line 2.

Claim 2 has been amended to recite a front face *constituting a zone on which blocks of the sole may slide during interlocking*. Support for this language is found in the specification at page 10, lines 32-34.

Claim 8 has been amended to recite that the at least one lug projects *substantially halfway between a hole for a passage of the second hoop spindle and the first front attachment bar*. Support for this language is found in the specification at page 8, lines 16-19 and page 5, lines 33-35.

New claim 12 includes the subject matter of claim 10 written in independent form.

No new matter has been added to the claims.

#### Objections to the Abstract

Applicant respectfully requests reconsideration and withdrawal of the objection to the abstract. A new abstract of proper content, format and language is submitted herewith.

Claim Rejections - 35 U.S.C. §112

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-11 as being indefinite under 35 U.S.C. §112, second paragraph.

With respect to the rejection of claims 1, 3 and 5, the cited language has been amended to overcome the rejection.

With respect to the term “about 40°” recited in claim 2, applicant submits that this language is not indefinite. At page 10, lines 32-34 of the specification, it is stated that the claimed inclined face of the front of the pedal constitutes a zone on which the blocks of the sole may slide during interlocking. Thus, one of ordinary skill in the art would certainly understand that “about 40°” encompasses a range of angles near 40° that would allow comfortable positioning of the foot during the interlocking step. This range can easily be determined by one of ordinary skill in the art without undue experimentation.

With respect to claim 6, applicant has amended the language “kind of” rejected by the Examiner. With respect to the term “the rest position,” applicant submits that there is in fact antecedent basis for this term in lines 10-11 of claim 1. This language was present before the current amendments to claim 1.

Claim Rejections - 35 U.S.C. §102/§103

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-4, 6 and 7 under 35 U.S.C. §102(b) as being anticipated by Lancelot (FR 2 809 701).

Claim 1 now recites a first front hoop being articulated about a second hoop spindle, wherein the second hoop spindle is “*situated below a mid-plane of the pedal* passing through a geometric axis of the pedal, on an opposite side to the front attachment bar.” Lancelot does not

teach this feature. FIG. 10 of Lancelot shows the pedal with its front part tilted downwards, while FIG. 11 shows the pedal with its rear part tilted downwards. In each figure of Lancelot, the rear (first) hoop spindle 14 and the front (second) hoop spindle 14 are situated *in the mid-plane* of the pedal. Since the front part of the pedal is tilted downwards in FIG. 10, the front (second) hoop spindle 14 is below the horizontal plane passing through the geometric axis of the pedal, but the front hoop spindle remains in the tilted mid-plane of the pedal. In FIG. 11, the front (second) hoop spindle 14 is above the horizontal plane passing through the geometric axis of the pedal, but the front hoop spindle remains in the tilted mid-plane of the pedal.

Furthermore, claim 1 recites that “a front upper part of the pedal body is limited by a front face inclined downward toward its front, allowing a greater angular range for clicking in.” According to Lancelot, the blocks or studs G projecting under the shoe sole S will rest against the front upper part 18 of the pedal. The part 18 is not a face inclined downward to allow a greater angular range for clicking in, as recited in claim 1. The inclined central part C2a of Lancelot, cited by the Examiner, has no effect upon the angular range of clicking in - the angular range of clicking in depends upon the face 18 cooperating with the blocks G.

The combination of features recited in claim 1 enables quicker and easier attachment of the cleat to the pedal by increasing the angular range  $\alpha$  for clicking in. For the reasons stated above, Lancelot does not teach all of the features of claim 1 and does not provide the cited advantages. Therefore, claims 1-4, 6 and 7 are allowable over Lancelot.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 5 under 35 U.S.C. §103(a) as being unpatentable over Lancelot in view of Chen (US 6,282,984).

To establish a *prima facie* case of obviousness under 35 U.S.C. §103(a), all claim limitations must be taught or suggested by the prior art. See MPEP §2143.03 and *In re Royka*, 490 F.2d, 981, 180 USPQ 580 (CCPA 1974). Lancelot fails to teach or suggest the invention of claim 1 for the reasons explained above. Chen also fails to teach a front (second) hoop spindle “*situated below a mid-plane of the pedal* passing through a geometric axis of the pedal, on an opposite side to the front attachment bar,” as recited in claim 1. In fact, Chen teaches away from

the claimed invention, as the front frame spindle 59a of Chen is situated above the mid-plane, instead of below the mid-plane, as presently claimed. Therefore, the combination of Chen and Lancelot does not render claim 5 obvious.

Furthermore, the Chen pedal does not include an attachment bar substantially parallel to the pedal spindle, as claimed, and instead includes anchoring portions 531 and 541 preventing any possibility of lateral sliding for the cleat. To the contrary, the attachment bars of the claimed cleat and the Lancelot cleat allow for such sliding. Due to the differences in the design of the attachment means for the Chen pedal with respect to the attachment bars of the claimed pedal and the Lancelot pedal, one of ordinary skill in the art would not be motivated to combine the teachings of Chen and Lancelot to arrive at the structure of the claimed pedal.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over Lancelot in view of Byrne (US 2002/0066337).

Lancelot fails to teach or suggest the invention of claim 1 for the reasons explained above. Byrne does not teach any features that address the deficiencies of Lancelot with respect to claim 1. Therefore, the combination of Byrne and Lancelot does not render claims 8 and 9 obvious.

Furthermore, the cited coils (50a, 50a') of Byrne projecting inside the hoop are not a true projection from a leg, as presently claimed, because the coils are passed through by the pivot rods (see paras. 0033 and 0034 and the drawings of Byrne) and are thus the end of a leg wrapped around the pivot rod. Nonetheless, claims 8 and 9 have been amended to recite that the lug projects "substantially halfway between a hole for a passage of the second hoop spindle and the first front attachment bar," to further distinguish over the prior art.

Allowable Subject Matter

Applicant thanks the Examiner for the indication of allowable subject matter in claims 10 and 11. New claim 12 includes the subject matter of claim 10 written in independent form. Claim 1 now depends from claim 12. Therefore, claims 11 and 12 are allowable.

*Conclusion*

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 21029-00270-US from which the undersigned is authorized to draw.

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Respectfully submitted,

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